

**TABLE OF PROPOSED REVISIONS TO
ELEVENTH CIRCUIT RULES AND IOP'S**

Page	Circuit Rule or IOP	Comments
46	Cir. R. 22-1(d)	Consistent with FRAP 22(b)(2), provides that the denial of a Certificate of Appealability (COA) by a single judge, followed by the denial of reconsideration by two judges, may not be the subject of a petition for panel rehearing or rehearing en banc.
46	Cir. R. 22-2(b)	Consistent with 28 U.S.C. § 2244(b)(3)(E), provides notice to parties that the grant or denial of a second or successive habeas corpus petition is not subject to a petition for panel rehearing or rehearing en banc. [Rule divided into subsections.]
46 47 48	Cir. R. 22-3	Makes explicit the current practice of sending COA applications in capital cases to the panel rather than to a single judge; minor editorial changes.
48	IOP, <u>Second or Successive Applications</u>	Delete existing IOP on this subject, as duplicative of new Cir. R. 22-2(b).
48	IOP, <u>Certificate of Appealability</u>	Provides notice to parties that the court may suspend the provisions of new Cir. R. 22-1(d), consistent with FRAP 2.
58 59	Cir. R. 26.1-1	Provides that the Certificate of Interested Persons (CIP) in every brief after the first brief filed only list persons and entities not listed in the first brief filed; and that the CIP in every response or answer to a motion or petition only list persons and entities not listed in the motion or petition; also applies to en banc briefs. These provisions are designed to eliminate repetitive entries in CIPs, so that the review of CIPs by judges is less time-consuming.

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83	Cir. R. 31-1(e)	Clarifies that when a jurisdictional question is issued, the due date for filing appellee's brief is not postponed if the court directs counsel to address the jurisdictional question in their briefs on the merits. With respect to certain immigration cases in particular, the court has determined that jurisdictional issues may be more efficiently considered after briefing.
92 93	Cir. R. 33-1(c)	With respect to mediation, provides that: counsel must have client either physically present or available by telephone during mediation, unless waived by mediator; if waived, counsel must have authority to respond to settlement proposals; at an in-person mediation, the client's physical presence may be required; governmental and certain other entities may satisfy this requirement by a representative authorized to negotiate and to make recommendations; and minor editorial changes.
117	Cir. R. 41-2	Provides that when a published opinion has issued, the time for issuance of mandate may be shortened only after all active circuit judges are provided reasonable notice and an opportunity to notify the clerk to withhold issuance of the mandate. [Existing Cir. R. 41-2 to be renumbered.]